

February 3, 2004

A regular meeting of the Redmond City Council was called to order by Mayor Rosemarie Ives at 7:42 p.m. in the Council Chambers. Councilmembers present were: Cole, Marchione, McCormick, Paine, Resha, Robinson, and Vache.

INTRODUCTION

Marta Hurwitz, Community Affairs Office, introduced Jamie Strausz-Clark, the city's new Public Information Officer.

PRESENTATION

Laurel Tomchick, King County Department of Natural Resources Local Hazardous Waste Management Program, honored businesses in Redmond that earned EnviroStars certification for efforts to reduce and properly manage hazardous waste.

CERTIFICATES OF APPRECIATION

Rob Odle, Policy Planning Manager, recognized members of the Grass Lawn Citizens Advisory Committee (CAC) that met to develop recommendations regarding the Grass Lawn Neighborhood Plan.

Mr. Odle said the Planning Commission will review the Grass Lawn Neighborhood Plan at the end of February 2004, hold a public hearing in March, and present recommendations to the City Council in May or June 2004.

The Mayor presented certificates of appreciation to the CAC members who were present in the audience.

PROCLAMATION

The Mayor read a Proclamation declaring February 9-13, 2004 National DECA Week in the City of Redmond, and presented the Proclamation to two students from Redmond High School representing the DECA program.

ITEMS FROM THE AUDIENCE⁵⁶

Rebecca LaBrunerie, Redmond Arts Commission Chair, 10121 156 Place NE, summarized the new goals of the Arts Commission:

- Achieve excellence in arts programming.
- Nurture and support artists, arts education, and arts organization through grant programs, and by inviting artists to participate in art gallery activities.
- Promote active participation and attendance in arts events.
- Build public and private partnerships to grow the level of local cultural activity in the arts.

Ms. LaBrunerie played a portion of the video the Commission helped create as part of its marketing efforts. The video will be aired on RCTV and will be given to the Chamber of Commerce and other community organizations.

CONSENT AGENDA

Motion by Ms. McCormick, second by Mr. Resha, to approve the following items of the Consent Agenda:

- (1) approve the minutes of the Special Meeting of January 13, 2004 and Regular Meeting of January 20, 2004
- (2) approve the following payroll/direct deposit and claims checks:

PAYROLL/DIRECT DEPOSIT CHECKS:

#157447 through 157596; and
#119174 through 119742 \$1,116,634.90

CLAIMS CHECKS:

#212839 through 213154 \$3,490,689.46

- (3) authorize the Mayor to execute, on behalf of the City of Redmond, an amendment to the Memorandum of Understanding (Contract No. D32788D) between the city and the Seattle-King County Department of Public Health regarding implementation of the Local Hazardous Waste Management Program in 2004
- (4) approve Supplemental Agreement No. 2 with Reid Middleton, Inc. for additional engineering services for the Union Hill Road Widening Project, No. 00-CI-57, in an amount not to exceed \$275,000 and authorize the Mayor to sign the agreement
- (5) approve a one-year extension, through 2004, of a Memorandum of Understanding between the cities of Redmond, Bellevue, Kirkland, Issaquah, Bothell, Shoreline and Woodinville to pool the cities' funds into one joint contract with Crisis Clinic and Child Care Resources

- (6) authorize the Mayor to sign an interlocal agreement among thirty-nine cities in King County for administration of previously approved jail contracts; and authorize the Mayor to appoint a member to the Jail Oversight Assembly created pursuant to the agreement
- (7) approve award of bid for the Maintenance and Operations Center Parks Covered Storage Building, Project No. 99-CI-06, to the low bidder, Berkey Pole Buildings, Inc., Richland, Washington, for the base bid of \$54,640 and alternates of \$27,000 for a total of \$81,700, plus applicable Washington State sales tax, and authorize the Mayor to sign the contract
- (8) Items 8.a and 8.b have been rescheduled to the February 17, 2004 Council meeting
- (9) schedule a public hearing for March 2, 2004 to discuss and decide upon proposed amendments to the Safeco Redmond Campus Phase III Development Agreement.

Motion carried unanimously (7 - 0).

REPORTS

Staff Report - City Economic Development Activities

The Mayor, in a memorandum to the City Council dated February 3, 2004, presented the highlights of the many economic development activities the city is currently engaged in to monitor and build Redmond as a welcoming environment for businesses to grow, develop, and succeed.

Staff Report - Impact of Redmond High School Student Parking in Abbey Road Neighborhood

Jeff Palmer, Neighborhood Traffic Calming Coordinator, in a memorandum to the City Council dated February 3, 2004, updated the Council on the issues and concerns raised at the January 13, 2004 Council meeting regarding student parking and traffic relative to the Redmond High School modernization project that is disrupting the tranquility of the neighborhood. He said yesterday a letter was sent to

ninety-two residences previously surveyed regarding the conditions.

Councilmember McCormick thanked staff for being responsive to the concerns that were brought to the Council on January 13, 2004, and requested that staff update the Council as the program progresses.

OMBUDSMAN REPORT

Councilmember McCormick talked with a citizen on Avondale Road about several issues:

- Third party water billing - requested Council to keep this item on their follow-up list.
- Missing fence in pedestrian pad in the center of Avondale Way.
- Debris on the north side of Avondale Way in the pedestrian path.
- Debris in the vacant lot in the triangle of Avondale Way and Avondale Road.

Councilmember McCormick said staff has taken care of all of the issues.

Councilmember Cole received an email from an individual in the Rose Hill Neighborhood inquiring about what is happening on the annexation issue.

Rob Odle, Policy Planning Manager, said he is working with James E. Haney, City Attorney, to review the Supreme Court's decision and what it means for the Rose Hill Annexation.

Councilmember Marchione said after coordinating with Bill Campbell, Assistant Director of Public Works, he presented to Puget Sound Energy (PSE) the map of streetlights that are out in the city that was provided by Mr. Wobker at the January 13, 2004 Council meeting. He said Mr. Hutchinson at PSE indicated the lights would be addressed in the next three weeks.

ORDINANCE: RECONSIDERATION OF SEQUOIA ESTATES REZONE, DGA01-008

The Mayor, in a memorandum to the City Council dated February 3, 2004, recommended approval of the ordinance and Concomitant Zoning Agreement based on the Technical Committee and Hearing Examiner's recommendations.

Sarah Stiteler, Senior Planner, summarized the background and history of the rezone proposal. She summarized some of the compatibility issues staff and the applicant have negotiated, which are addressed in the concomitant agreement with respect to site requirements, permitted land uses, open space requirements, more explicit design criteria, and affordable housing requirements.

The Mayor noted the Council's receipt of email from Linda Flanigan.

James E. Haney, City Attorney, stated that this is a closed record proceeding. He explained that the Hearing Examiner has already held a hearing and made factual findings relating to the evidence, and therefore, the speakers can only comment on what was offered to the Council.

The Mayor asked the people who wanted to testify in opposition to the rezone to come forward.

Deborah Whitmore, 17332 NE 85 Place, said it was pointed out in the hearings before the Hearing Examiner that Redmond Hills is a neighborhood of twenty-three single family homes, and surrounding neighbors living in condominiums and duplexes also feel strongly about wanting to keep the current zoning. She listed issues of increased traffic, access, and visitor parking in their neighborhood. She concluded the neighborhood is still opposed to the rezone.

Linda Flanigan, 17220 NE 85 Place, summarized her email. There was a meeting prior to the Hearing Examiner's hearing at which the neighborhood was presented with options, and was not told about the number of units, increased traffic and speeding vehicles, or three-story apartments towering above existing houses. She concluded none of the residents is in favor of changing the zoning.

The Mayor asked for proponents of the rezone to come forward.

Jim Abbott, 1501 North 200, Shoreline 98133, representing Larry Nelson, the applicant, said, currently, there is a single family residence located on the site, which is the home Mr. Nelson lived in with his parents. The property has been owned by the Nelson family since the 1930s, he noted. He explained Mr. Nelson wants to convert the property to multifamily housing; it is currently zoned R-12. He pointed out that because the site is greater than one acre, he could build thirteen units on the site under current zoning.

Mr. Abbott said for two years Mr. Nelson worked with the City of Redmond to come up with a development that would be compatible with the neighborhood. He continued that a neighborhood meeting was held at which some of the exhibits presented showed twenty units. There was conversation about increasing the number of units from thirteen to twenty, and how the project could look more residential, he noted. The Hearing Examiner heard the evidence presented by the city, Mr. Nelson, and six neighbors who testified in detail as to their concerns. After considering all of the testimony, he

continued, the Hearing Examiner rendered a decision requiring that staff and the developer negotiate an agreement that assures a quality development, which meets the needs of the applicant and the city and protects the rights of the neighbors. The Hearing Examiner recommended approval of the zoning map amendment from R-12 to R-18 subject to the concomitant agreement, which specifies what can be developed on the property.

Mr. Abbott reviewed the applicant's testimony before the Hearing Examiner, and Attachments A, B, and C to the staff report to the Council dated February 3, 2004. He said the city determined that adding seven units to the site would not have a significant impact to traffic on Avondale Road, and found no need for further traffic studies. He directed the Council's attention to the thirteen conditions in the Concomitant Agreement (Attachment C), which are more restrictive and more compatible for the neighbors than the R-12 zoning would be if thirteen apartment units were built today. He summarized the agreement fully complies with the Comprehensive Plan, provides two affordable units (not required under current zoning), and is more restrictive than what could be designed under current R-12 zoning. He concluded Mr. Nelson asks the Council to approve the recommendation of the Hearing Examiner.

Mr. Haney reminded the Council that the effect of the passage of the motion for reconsideration places the original motion from the December 2, 2003 meeting back on the table, which is to approve the rezone. That motion needs to be voted on, or withdrawn and a separate motion made if the Council wants to change its decision, he concluded. *(Clerk's note: the original motion was to approve the rezone, which failed. The minutes reflect the positions stated.)*

Councilmember Cole spoke in favor of the Council's December 2, 2003 action to deny the rezone. He said the last time he did not support the motion because he thought it was a spot rezone, and because of what it would do to the existing neighbors.

Councilmember Vache also spoke in favor of the December 2, 2003 action to deny the rezone because of the traffic being added to Avondale.

Councilmember Resha spoke in favor of the motion. He said there is a desperate need for housing in the community, and we can deal with traffic as a separate issue. He concluded the project is being designed with the community in mind, and the concomitant agreement addresses a number of the concerns.

Councilmember Robinson supported the development, and thus will vote in favor the motion. He said growth has consequences, and this proposal has done the best it can to fit into the neighborhood. He agreed with Councilmember Resha about the housing crisis in Redmond.

Councilmember Marchione said the choice for the Council is not between no development and the concomitant agreement; it is between standard R-12 zoning and the concomitant agreement. He added if he lived in the neighborhood he would prefer this development because of its high quality. He concluded he would support the motion.

Councilmember Paine said he originally voted against the motion, and also moved for reconsideration. He noted zoning is a planning mechanism, but we are looking at the reality that we need housing in Redmond, and the concomitant agreement creates a high quality development. He concluded he would vote in favor of the motion.

Councilmember McCormick said on December 2, 2003 she articulated a number of reasons why she supported the use of the concomitant agreement - some of them were that it addresses the jobs/housing imbalance on the Eastside, multifamily generating fewer trips than single family, better design, open space, affordable housing goals, lower building height. She said she would vote no on the first motion and support the Hearing Examiner's recommendation.

Motion carried (5 - 2) with McCormick, Marchione, Paine, Resha, and Robinson voting aye and Cole and Vache voting nay.

Motion by Mr. Marchione, second by Mr. Robinson, to adopt Ordinance No. 2194, approving the Sequoia Estates Rezone and Concomitant Zoning Agreement based on the recommendations of the Technical Committee and the Hearing Examiner.

Ordinance No. 2194, approving the Sequoia Estates Rezone (File DGA01-008); amending the official zoning map of the city to change the zoning of certain property located at 8533 and 17800 Avondale Road NE from moderate density residential, R-12 zoning (R-12) to moderate density residential, R-18 zoning with conditions (R-18/C); and establishing an effective date, was presented and read.

Upon a poll of the Council, Marchione, McCormick, Paine, Resha, and Robinson voting aye. Motion carried (5 - 2) with Cole and Vache voting nay.

ORDINANCE: MCKAY OVERLAKE REZONE, L030055

The Mayor, in a memorandum to the City Council dated February 3, 2004, recommended approval of the ordinance and Concomitant Zoning Agreement based on the Hearing Examiner's recommendation dated May 13, 2003.

Gibran Hashmi, Planner, reviewed the request to rezone five existing lots located at the northeast corner of NE 51 Street and 156 Avenue NE from R-5 to R-6 zoning. He said staff recommended approval to the Hearing Examiner based on extensive examination of Comprehensive Plan policies and compatibility with the neighborhood, the city's affordable housing policy, and desired Comprehensive Plan goal to attain a level of R-6 density in the low-moderate comprehensive planning designation.

Councilmember McCormick disclosed that her property is on the zoning map; some of her neighbors contacted her, and she explained the quasi-judicial process to them, and did not discuss the project with them.

Grant McKay, 15604 NE 51 Street, the applicant and property owner of lot C, agreed with the Hearing Examiner's findings. He explained plans for future development of Lot C as referenced in the staff report, to build two new single-family homes, and retain the existing home, for a total of three homes.

Motion by Mr. Paine, second by Mr. Resha, to adopt Ordinance No. 2195, approving the McKay Overlake Rezone and Concomitant Zoning Agreement based on the recommendations of the Hearing Examiner in the report dated May 13, 2003.

Ordinance No. 2195, approving L030055, amending the Redmond Community Development Guide Zoning Map and rezoning 3.7 acres located at the northeast corner of Northeast 51 Street and 156 Avenue Northeast from low-moderate density residential R-5 (5 units per acre) to low-moderate density residential R-6 (6 units per acre), authorizing the Mayor to sign a concomitant agreement related to such rezone, and establishing an effective date, was presented and read.

Councilmember Cole said he would vote against the rezone because it is unfair to the surrounding neighbors.

Upon a poll of the Council, Marchione, Paine, Resha, Robinson, and Vache voting aye. Motion carried (5 - 2), with Cole and McCormick voting nay.

COMMITTEE REPORTS

Councilmember Cole reported that annexation was the number one issue at the Association of Washington Cities Legislative Conference last week in Olympia. Regarding transportation, he said members of the 48 District should be contacted regarding the partial "de-funding" of the State Route 202 project. Regarding proposed sales tax streamlining legislation, he continued, the Association of Washington Cities is split, and the legislation probably will not come up for a vote in the legislature this year. However, if the legislation does not pass, the State of Washington would not be allowed to have a seat at the table to negotiate with the other states, he noted. Regarding condominium liability, the only people opposing it are about seventeen trial attorneys who are those representing condominium homeowner associations. He added he signed a letter on behalf of the city expressing our support for downsizing the King County Council, for appointing some of the offices, and for the offices to be non-partisan.

The Mayor reported that she attended a meeting of the Executive Board of the Interstate 405 Committee. The first project that will go forward is the segment in Kirkland, she noted.

ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 9:12 p.m.

MAYOR

CITY CLERK